

From RJT 3/04

Memorandum

To: Christy Ferguson
CC: Marianne Fleckner, Ian Lang
From: Ralph Timperi
Date: 03/02/04
Re: Drug Testing Services

Except for the identification of seized illicit drugs, the State Police Crime laboratory in the Executive Office of Public Safety does all forensic testing, such as ballistics, latent fingerprint analysis, and DNA analysis (Note: Due to testing backlogs, some forensic testing is done by private contract labs.).

Drugs seized by local and state law enforcement officials are tested at one of four laboratories in Massachusetts:

- DPH operates two Drug testing labs, one in Jamaica Plain and one in Amherst
- Univ. of Mass Medical School operates a Drug Lab in Worcester
- EOPS operates a Drug Lab at their Crime Lab in Sudbury

During a review by the State Crime Commission appointed by EOPS, there have been three issues identified for discussion with DPH. Note that DPH had no formal representation on the Crime Commission. However, Michael Lawler, who is an employee of the DPH Drug Laboratory, was invited as a participant directly by a member of the Crime Commission as an interested public member. Mr. Lawler is an experienced analyst in the laboratory, but is not knowledgeable or an expert in areas of accreditation, quality assurance and drug testing technology. He did not represent the DPH in his role. The issues and options raised are outlined briefly here.

| Issue | Status of DPH Labs | Analysis | Discussion of option/recommendation |
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| 1) EOPS Lab is accreditation by the American Society of Crime Laboratory Directors (ASCLD). Accreditation process is part of a laboratory's quality assurance program. | Accredited by third parties CLIA '88 and College of American Pathologists (CAP) programs. DPH has fulltime internal QA QC staff and program including proficiency testing and training to assure testing quality. | DPH agrees Crime Lab must have ASCLD accreditation for of the range of forensic testing performed. Testing done by DPH and UMMS is limited to seized drug analysis, which is identical to analytical chemistry specialties that are covered by CLIA '88 and CAP. | DPH meets all standards for analysis, and results are accepted in courts. DPH can obtain ASCLD accreditation but it has little value in this case, and there are significant financial and time costs. DPH would have to retain CLIA/CAP accreditations, as ASCLD accreditation would not satisfy our other regulatory needs. |

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| 2) Turnaround time is long and specimen testing is delayed at DPH | The two DPH Labs are the most efficient of the 4 labs and DPH tests the majority of drug samples in the state. Current turnaround delays are due to significant staff losses due to ERIP and a significant increase in drug cases. | DPH has approval to refill 4 positions lost in ERIP and is recruiting applicants. DPH has never had an instance in which a case was dismissed due to delay in testing since we have a prioritization system in coordination with District Attorneys and courts. | DPH labs are significantly more efficient in analyzing seized drugs than the EOPS Crime Lab. Although ASCLD accreditation would reduce efficiency, DPH Lab would still have higher output per FTE because of its expertise and experience in analytical chemistry. However, we do not see a convincing need to do so. Turnaround time will improve as new staff are hired and trained. |
| 3) Consolidation of labs | DPH effectiveness and efficiency is a product of the critical mass of expertise and experience at the Jamaica Plain Lab. If Drug Lab were transferred to EOPS, this advantage would be lost. | It is more likely that efficiency and quality of lab would be less if transferred. It is unlikely that space for lab would be available at Jamaica Plain if lab transferred to EOPS. The facility is owned and operated by UMMS. There is a critical need for space among existing DPH and UMMS programs especially the UMMS Biologic Lab. Space allowance agreement is to DPH through UMMS. | Consolidation of labs would be detrimental to output and testing would slow down. In addition, consolidation is likely to be inefficient (and unpopular) among cities and towns who would have to drive longer distances to deliver samples. |
| 4) Management and information for policy analysis | DPH is the only lab with a computer information system to analyze testing output, trends in illicit drug use and tracking individual analyses for courts. | The capability of DPH to provide data analysis and information for policy analysis is an important strength. | We would recommend an initiative by DPH to install IS technology at EOPS to permit consolidation and sharing of drug analysis data among authorized users. |